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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Application No. : 10/039,313
Docket No. : 006593-1953
Applicant : Shariff et al.
Filed : October 27, 2001
Title : FEED GRIP FOR A FOOD SLICER
Art Unit : 3724
Examiner : B. D. Ashley

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Sir:

RESPONSE AFTER FINAL OFFICE ACTION

This paper is filed in response to the final Office action of June 10, 2004. Review and reconsideration are requested in light of the comments provided below.

Claims 1, 3 and 5-8 are rejected as allegedly defining obvious subject matter over U.S. Pat. No. 2,573,861 to Meeker et al. in view of U.S. Patent Application Publication No. 2002/0142073 to Baker. The Office action takes the position that it would have been obvious to one of ordinary skill in the art to utilize the attachment structure of the Baker reference in the slicer of the Meeker reference. However, it is submitted that, even if the proposed combination were carried out, the claimed invention would not result. It is also submitted that one of ordinary

skill in the art would not be motivated to combine the references in the manner suggested in the Office action.

By way of background, it is noted that in order to assemble the feed grip of the present invention, the gripping plate 40, feed arm 44, washer 46 and handle 42 are arranged in their orientation shown in Fig. 5. The attachment portion 50 of the feed arm 40 is then passed through the coupling portion 61 of the feed arm 44 and the washer 46, and received in the opening 70 of the handle 42. As shown in Fig. 6, the legs 60, 62 of the gripping plate 40 engage the tapered inner wall 72 of the handle 42, which urges the legs 60, 62 toward each other. When the attachment portion 50 of the gripping plate 40 is inserted into a sufficient depth in the opening 70 of the handle 42 and the tips 64, 66 are aligned with an associated end opening 74, 76, each tip 64, 66 is received in one of the end openings 74, 76 of the handle 42 (see Fig. 8). If the tips 64, 66 are not aligned with the end openings 74, 76, it may be required to rotate the handle 42 to seat the tips 64, 66 in the end openings 74, 76. As the handle 42 is rotated, the legs 60, 62 spring apart and create a "snap" feel when the tips 64, 66 are received in the end openings.

In order to disengage the handle 42, the handle 42 is rotated about its central axis while the gripping plate 40 is held stationary. The relative rotation urges the legs 64, 66 inwardly and toward each other, thereby disengaging the legs 64, 66 from the associated end opening 74, 76. Thus the handle 42 is a cylindrical component with end openings 74, 76 located at a particular radial location inside the handle 42. The handle 42 is locked in place only when the legs 64, 66 are radially aligned with the end openings 74, 76, and the handle 42 can be disengaged by twisting the handle 42 such that the legs 64, 66 are not radially aligned with the end openings 74, 76.

Claim 1 specifies that the attachment portion is rigidly coupled to the handle and can be manually decoupled from the handle without the use of tools. For example, the twisting motion of the handle 42 described above may be utilized to manually decouple the handle without the use of tools. In contrast, the coupling attachment disclosed in Fig. 11b of the Baker reference cannot be manually decoupled without the use of tools. In particular, as can be seen in Fig. 11b, a positive locking arrangement is provided between the latches 56, 56' and the protrusions 68, 68'. The locking arrangement of Fig. 11b appears to be a permanent locking arrangement. In addition, the Baker reference does not disclose any structure by which the latches 56, 56' of that

reference can be manually separated from the protrusions 68, 68'. Finally, the embodiment of Fig. 13 is specifically identified to be selectively detachable, thereby implying that the embodiment of Fig. 11b is a permanent attachment structure.

Thus, if the locking arrangement of Fig. 11b were to be used in the slicer of the Meeker patent, the resultant assembly could not be manually decoupled and the invention defined in claim 1 would not be shown.

The Baker reference discloses an alternate embodiment (Fig. 13) wherein the handle is selectively detachable (see paragraph 78). The handle assembly of Fig. 13 includes a release button 74 that can be depressed to cause release bars 72, 72' to draw the latches 56, 56' inwardly and thereby separate the latches 56, 56' from the protrusions 68, 68'. A release aperture 76 is provided in the ferrule 50 to provide access to the release button 74.

Thus, some sort of hole or opening is required to provide access to the release button 74 in order to manually detach the handle. However, the handle 95 of the Meeker reference does not include such an aperture or opening. In addition, as noted in the applicant's previous amendment, because slicers are typically used for food processing it is desired to present smooth outer surfaces to all surfaces of the slicer, including the handle. If a hole or opening were to be provided in the handle 95 of the Meeker reference, such a hole or opening would be prone to receiving and trapping food and debris therein. This would prevent a most unsanitary condition, which is why it is generally desired to provide smooth and continuous outer surfaces for slicers.

For example, Attachment A is an "AMI Fact Sheet" regarding Sanitary Equipment Design, and is available at:

http://www.meatami.com/content/presscenter/factsheets_Infokits/FactSheetSanitaryDesign.pdf.

As noted at point 6 of Attachment A, food processing equipment should be free of niches such as pits, cracks, recesses, gaps, etc. Point 1 emphasizes that food processing equipment should be designed to allow effective and efficient cleaning. Point 5 stresses that hollow areas should be hermetically sealed. Thus it is clear that openings and niches in meat slicing equipment should be avoided.

In contrast, as noted above if the handle of Fig. 13 of the Baker reference were to be used in the Meeker reference, the handle must include a release aperture. Accordingly, it is submitted

that one of ordinary skill in the art would not be motivated to use the attachment structure of the Baker reference in the slicer of the Meeker reference.

Furthermore, it is submitted that the handle of the Baker reference could not be used in the slicer of the Meeker reference. In particular, the handle of the Baker reference is shaped to be used in a paint brush assembly, which is generally rectangular (as specified in paragraph 78 of the Baker publication). In contrast, the handle 95 of the Meeker slicer is generally cylindrical (see Figs. 1 and 2). The cylindrical nature of the handle 95 allows the handle to be comfortably gripped in the palm of the user from nearly any angle or point of access. In contrast, if the handle 95 were changed to the rectangular cross section as shown in the Baker reference, the handle would present an awkward surface and protruding corners that are ergonomically unfavorable for gripping and moving the slicer carriage.

Accordingly, it is submitted that even if the Baker and Meeker references were combined in the manner proposed in the Office action, the subject matter of claim 1 would not be shown (in light of Fig. 11b of the Baker reference). It is also submitted that one of ordinary skill in the art would not be motivated to utilize the handle of Fig. 13 of the Baker reference in the slicer of the Meeker reference due to the unsanitary condition created by such a combination.

Given the apparent allowability of claim 1, the rejections of each dependent claim are not specifically addressed herein. However, the rejection with respect to claims 9 and 10 take official notice that it is well known in the art to use openings in conjunction with connections that include resilient legs with feet that engage through detents to facilitate movement of the legs into locked positions. The official notice taken in this rejection is traversed and support for such official notice is requested.

With respect to claim 8, the outwardly extending feet specified therein could not be found in the Meeker reference.

The remaining independent claim (claim 16) of this application is rejected as defining obvious subject matter over U.S. Pat. No. D165,082 to Little in view of the Baker application or U.S. Pat. No. 4,021,914 to Leibundgut et al.

With respect to the rejection over the Little reference in view of the Leibundgut reference, it is initially noted that the Office action takes the position that the Little reference discloses a first annulus shaped to be generally located between the handle and the gripping

plate. However, applicant submits that the Little reference does not disclose such an annulus. Although the Little reference does appear to disclose a structure between the handle and the gripping plate, this structure is not disclosed to be an annulus. Instead, this structure may could be a solid piece of material, in which case the handle and the gripping plate could be coupled to this structure by a wide variety of manners, such as welding, brazing, snap-fastening, protrusions extending outwardly from the structure, etc. In order to make a showing under inherency, the reference must "make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." MPEP §2112. However, as noted above, the device of the Little reference does not necessarily disclose the first annulus of claim 1.

It is also submitted that one of ordinary skill in the art would not be motivated to utilize the handle of the Leibundgut reference in the slicer of the Little reference. In particular, the handle 15 of the Leibundgut reference includes a large inner cavity 16 which provides access to the locking bolt 24 to allow the handle 15 to be removed. However, this cavity 16 provides a large-volume space into which bits of food or debris could be trapped. Food and debris entering the cavity 16 could also enter the bores 11, 12 of the flange 8, as well as the cavity in which the spring 31 is located (i.e. above shaft 4). Thus the handle of the Leibundgut reference is not only open at its top to allow food and debris to enter, but provides multiple cavities and crevasses into which the food and debris can be trapped. As noted above, it is known in the art that niches are to be avoided, equipment should be easily cleaned and hollow areas should be hermitically sealed, as shown for example by the fact sheet of Attachment A.

The handle of the Leibundgut reference is disclosed for use with a power tool, such as a saw, and the sanitary issues for saws do not arise in the same manner as slicers. Thus, it is submitted that one of ordinary skill in the art would not be motivated to utilize the handle of the Leibundgut reference in the slicer of the Baker reference.

With respect to the rejection over the Little reference in view of the Baker reference, it is first noted that the Little reference does not disclose the first annulus of claim 16. In addition, the arguments outlined above with respect to claim 1 with respect to utilizing the system of the Baker reference in a slicer apply equally. In particular, the rectangular paint-handle structure of the Baker reference provides relatively sharp corners and an awkward surface for gripping

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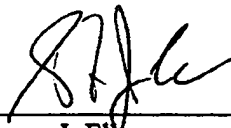
during slicing. Accordingly, it is submitted that one of ordinary skill in the art would not be motivated to utilize the handle of the Baker reference in the slicer of the Little reference.

Accordingly, it is submitted that the application defines over the cited references and is in a condition for allowance, and a formal notice thereof is respectfully requested.

Applicant hereby submits a Supplemental Information Disclosure Statement providing a copy of PCT publication WO 00/19803 (corresponding to Application No. PCT/US99/98550) which corresponds to the Walker application.

The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809.

Respectfully submitted,



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